



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
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DA 18-782
Released: July 27, 2018

**MEDIA BUREAU ESTABLISHES PLEADING CYCLE FOR APPLICATIONS FILED FOR THE
TRANSFER OF CONTROL AND ASSIGNMENT OF BROADCAST TELEVISION LICENSES
FROM RAYCOM MEDIA, INC. TO GRAY TELEVISION, INC., INCLUDING TOP-FOUR
SHOWINGS IN TWO MARKETS, AND DESIGNATES PROCEEDING AS
PERMIT-BUT-DISCLOSE FOR *EX PARTE* PURPOSES**

MB Docket No. 18-230

Petition to Deny Date: August 27, 2018
Opposition Date: September 11, 2018
Reply Date: September 21, 2018

On July 27, 2018, the Federal Communications Commission (Commission) accepted for filing applications seeking consent to the assignment of certain broadcast licenses held by subsidiaries of Raycom Media, Inc. (Raycom) to a subsidiary of Gray Television, Inc. (Gray) (jointly, the Applicants), and to the transfer of control of subsidiaries of Raycom holding broadcast licenses to Gray.¹ In the proposed transaction, pursuant to an Agreement and Plan of Merger dated June 23, 2018, Gray would acquire Raycom through a merger of East Future Group, Inc., a wholly-owned subsidiary of Gray, into Raycom, with Raycom surviving as a wholly-owned subsidiary of Gray. Immediately following consummation of the merger, some of the Raycom licensee subsidiaries would be merged into Gray Television Licensee, LLC (GTL), with GTL as the surviving entity. The jointly filed applications are listed in the Attachment to this Public Notice.²

As explained more fully in the Comprehensive Exhibit to the applications, in numerous Designated Market Areas (DMAs), Gray and Raycom both own full-power television stations and common ownership of the combined stations would potentially violate the local television multiple ownership rule.³ Specifically, the Applicants identify nine markets where Gray and Raycom both own Top-Four stations and state that “[t]o ensure compliance with the Commission local television ownership rules, in each case, the combined company will continue to own a single station and will divest the second station.” They propose to file “[a]n application to assign the license of the station identified for divestiture [in each such market] . . . as soon as a buyer is selected and a purchase agreement signed.”⁴ And, in the Honolulu, Hawaii, and Amarillo, Texas, markets, Raycom states that it has existing Top-Four duopolies. Consequently, the Applicants seek case-by-case analysis from the Commission so that Gray

¹ The Applicants will file separate applications requesting Commission consent for the transfer of control or assignment of earth station, microwave, and land mobile facilities that are currently held by Raycom subsidiaries.

² Copies of the applications are available in the Commission’s Consolidated Database System (CDBS).

³ See 47 C.F.R. § 73.3555(b).

⁴ Comprehensive Exhibit at 27.

may acquire these combinations.⁵ To this end, they make showings in support of their position that, due to specific circumstances in the local markets, continued common ownership of the stations would serve the public, interest, convenience, and necessity.⁶

Gray also seeks continuing satellite waivers in three markets where Raycom owns and operates television satellite stations. Further, Gray proposes to acquire two radio stations in Amarillo and Lamesa, Texas, which they assert are rule compliant.

EX PARTE STATUS OF THIS PROCEEDING

In order to assure the staff's ability to discuss and obtain information needed to resolve the issues presented, by this Public Notice, and pursuant to Section 1.1200(a) of the Rules, we establish a docket for this proceeding and announce that the *ex parte* procedures applicable to permit-but-disclose proceedings will govern our consideration of these applications.

Permit-but-disclose *ex parte* procedures permit interested parties to make *ex parte* presentations to the Commissioners and Commission employees and require that these presentations be disclosed in the record of the relevant proceeding. Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required. Persons making a written *ex parte* presentation to the Commissioners or Commission employees must file the written presentation no later than the next business day after the presentation. Persons making oral *ex parte* presentations must file a summary of the oral presentation no later than the next business day after the presentation. We strongly urge parties to use the Electronic Comment Filing System (ECFS) to file *ex parte* submissions. All *ex parte* filings must be clearly labeled as such and must reference MB Docket No. 18-230.

GENERAL INFORMATION

The applications for transfer of control and assignment of licenses referred to in this Public Notice have been accepted for filing upon initial review. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies. Interested persons must file petitions to deny no later than **August 27, 2018**. Oppositions to petitions to deny must be filed no later than **September 11, 2018**. Replies must be filed no later than **September 21, 2018**. Persons and entities that file petitions to deny become parties to the proceeding.

To allow the Commission to consider fully all substantive issues regarding the applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. Replies may only address matters raised in oppositions. A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

⁵ 2014 Quadrennial Regulatory Review — Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996, Order on Reconsideration and Notice of Proposed Rulemaking, MB Docket Nos. 14-50, 09-182, 07-294, 04-256, 17-289, 32 FCC Rcd 9802, 9836-39 (2017).

⁶ Comprehensive Exhibit at 28, Attachments 1, 2. See, 47 CFR § 73.3555(b)((2).

All filings concerning matters referenced in this Public Notice should refer to MB Docket No. 18-230, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

Submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by filing paper copies.

- Electronic Filers: Documents may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Filings may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, DC 20554.
- All hand-delivered or messenger-delivered paper filings no larger than a copier paper box for the Commission's Secretary must be delivered to the Mail and Distribution Window at FCC Headquarters at 445 12th Street, S.W., Washington, D.C. 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington, DC 20554.

In addition, one copy of each submission must be sent to the following:

- David Brown, Video Division, Media Bureau, Room 2-A662, e-mail David.Brown@fcc.gov
- David Roberts, Video Division, Media Bureau, Room 2-A660, email David.Roberts@fcc.gov
- Jeremy Miller, Video Division, Media Bureau, Room 2-A821, e-mail Jeremy.Miller@fcc.gov

Any submission that is e-mailed to David Brown, David Roberts, and Jeremy Miller should include in the subject line of the e-mail: (1) MB Docket No. 18-230; (2) the name of the submitting party; (3) a brief description or title identifying the type of document being submitted (*e.g.*, MB Docket No. 18-230, Gray-Raycom Merger, *Ex Parte* Notice).

People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

Availability of Documents. Documents in this proceeding will be available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554.

The applications are also available electronically through the Commission's ECFS, which will provide hyperlinks to the applications in the Media Bureau's Consolidated Database System (CDBS). ECFS may be accessed on the Commission's Internet website at <http://www.fcc.gov>.

For further information, contact David Brown at (202) 418-1645, David Roberts at (202) 418-1618, or Jeremy Miller at (202) 418-1507. For press inquiries, contact Janice Wise at (202) 418-8165.

By: Chief, Media Bureau

ATTACHMENT

| Call Sign/Community of License | Fac. ID | Licensee | File Number |
|--------------------------------|---------|-----------------------------------|--------------------|
| KAIT(TV), Jonesboro, AR | 13988 | KAIT License Subsidiary, LLC | BALCDT-20180709ACV |
| KCBD(TV), Lubbock, TX | 27507 | KCBD License Subsidiary, LLC | BALCDT-20180709ACZ |
| KFDA-TV, Amarillo, TX | 51466 | KFDA/KEYU License Subsidiary, LLC | BALCDT-20180709ADH |
| K29HB-D, Clovis, NM | 130253 | KFDA/KEYU License Subsidiary, LLC | BALDTL-20180709ADJ |
| KEYU(TV), Borger, TX | 83715 | KFDA/KEYU License Subsidiary, LLC | BALCDT-20180709ADF |
| KZBZ-CD, Clovis, NM | 51469 | KFDA/KEYU License Subsidiary, LLC | BALDTA-20180709ADI |
| KEYU-FM, Amarillo, TX | 39892 | KFDA/KEYU License Subsidiary, LLC | BALH-20180709ADG |
| KFVS-TV, Cape Girardeau, MO | 592 | KFVS License Subsidiary, LLC | BALCDT-20180709ADP |
| WQTV-LP, Murray, KY | 31410 | KFVS License Subsidiary, LLC | BALDTL-20180709ADR |
| WQWQ-LP, Paducah, KY | 19595 | KFVS License Subsidiary, LLC | BALDTL-20180709ADQ |
| KHNL(TV), Honolulu, HI | 34867 | KHNL/KGMB License Subsidiary, LLC | BALCDT-20180709AEA |
| K32IX-D, Lihue, HI | 34878 | KHNL/KGMB License Subsidiary, LLC | BALDTL-20180709AED |
| KGMB(TV), Honolulu, HI | 34445 | KHNL/KGMB License Subsidiary, LLC | BALCDT-20180709ADY |
| K28NN-D, Wailuku, HI | 34448 | KHNL/KGMB License Subsidiary, LLC | BALDTL-20180709AEC |
| K45CT-D, Hilo, HI | 34446 | KHNL/KGMB License Subsidiary, LLC | BALDTL-20180709AEE |
| KHBC-TV, Hilo, HI | 34846 | KHNL/KGMB License Subsidiary, LLC | BALCDT-20180709ADZ |
| KOGG(TV), Wailuku, HI | 34859 | KHNL/KGMB License Subsidiary, LLC | BALCDT-20180709AEB |
| KLTV(TV), Tyler, TX | 68540 | KLTV/KTRE License Subsidiary, LLC | BALCDT-20180709AEW |
| KTRE(TV), Lufkin, TX | 38541 | KLTV/KTRE License Subsidiary, LLC | BALCDT-20180709AEX |
| KNIN-TV, Caldwell, ID | 59363 | KNIN License Subsidiary, LLC | BTCCDT-20180709ABN |
| KOLD-TV, Tucson, AZ | 48663 | KOLD License Subsidiary, LLC | BALCDT-20180709ABP |
| KPLC(TV), Lake Charles, LA | 13994 | KPLC License Subsidiary, LLC | BALCDT-20180709ABT |
| KSLA(TV), Shreveport, LA | 70482 | KSLA License Subsidiary, LLC | BALCDT-20180709ABV |
| KSWO-TV, Lawton, OK | 35645 | KSWO License Subsidiary, LLC | BALCDT-20180709ABZ |

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| KKTM-LP, Altus, OK | 130241 | KSWO License Subsidiary, LLC | BALTTL-20180709ACA |
| KSWX-LP, Duncan, OK | 130242 | KSWO License Subsidiary, LLC | BALTTL-20180709ACB |
| KWAB-TV, Big Spring, TX | 42008 | KWES License Subsidiary, LLC | BALCDT-20180709ACH |
| KTLE-LP, Odessa, TX | 64993 | KWES License Subsidiary, LLC | BALDTL-20180709ACJ |
| KTXC(FM), Lamesa, TX | 71650 | KWES License Subsidiary, LLC | BALH-20180709ACI |
| KRHD-CD, Bryan, TX | 68538 | KXXV License Subsidiary, LLC | BALDTA-20180709ACT |
| WAFB(TV), Baton Rouge, LA | 589 | WAFB License Subsidiary, LLC | BALCDT-20180709ACP |
| WBXH-CD, Baton Rouge, LA | 51806 | WAFB License Subsidiary, LLC | BALDTA-20180709ACQ |
| WAFF(TV), Huntsville, AL | 591 | WAFF License Subsidiary, LLC | BALCDT-20180709ACS |
| WALB(TV), Albany, GA | 70713 | WALB License Subsidiary, LLC | BALCDT-20180709ADB |
| WAVE(TV), Louisville, KY | 13989 | WAVE License Subsidiary, LLC | BALCDT-20180709ADD |
| WBRC(TV), Birmingham, AL | 71221 | WBRC License Subsidiary, LLC | BTCCDT-20180709ABS |
| WBT(TV), Charlotte, NC | 30826 | WBTV License Subsidiary, LLC | BALCDT-20180709ADM |
| WCSC-TV, Charleston, SC | 71297 | WCSC License Subsidiary, LLC | BALCDT-20180709ADU |
| WDAM-TV, Laurel, MS | 21250 | WDAM License Subsidiary, LLC | BALCDT-20180709ADW |
| WECT(TV), Wilmington, NC | 48666 | WECT License Subsidiary, LLC | BALCDT-20180709AFB |
| WFIE(TV), Evansville, IN | 13991 | WFIE License Subsidiary, LLC | BALCDT-20180709AEU |
| WFLX(TV), West Palm Beach, FL | 39736 | WFLX License Subsidiary, LLC | BTCCDT-20180709ACG |
| WIS(TV), Columbia, SC | 13990 | WIS License Subsidiary, LLC | BALCDT-20180709ACU |
| WLBT(TV), Jackson, MS | 68542 | WLBT License Subsidiary, LLC | BALCDT-20180709ACY |
| WLOX(TV), Biloxi, MS | 13995 | WLOX License Subsidiary, LLC | BALCDT-20180709ADK |
| WMBF-TV, Myrtle Beach, SC | 83969 | WMBF License Subsidiary, LLC | BALCDT-20180709ADT |
| WMC-TV, Memphis, TN | 19184 | WMC License Subsidiary, LLC | BALCDT-20180709AEG |
| WOIO(TV), Shaker Heights, OH | 39746 | WOIO License Subsidiary, LLC | BALCDT-20180709ABQ |
| WUAB(TV), Lorain, OH | 8532 | WOIO License Subsidiary, LLC | BALCDT-20180709ABR |
| WSFA(TV), Montgomery, AL | 13993 | WSFA License Subsidiary, LLC | BALCDT-20180709ABY |

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|--------------------------|-------|------------------------------|--------------------|
| WTOC-TV, Savannah, GA | 590 | WTOC License Subsidiary, LLC | BALCDT-20180709ACC |
| WTVM(TV), Columbus, GA | 595 | WTVM License Subsidiary, LLC | BALCDT-20180709ACD |
| WVUE-DT, New Orleans, LA | 4149 | WVUE License Subsidiary, LLC | BTCCDT-20180709ACL |
| WWBT(TV), Richmond, VA | 30833 | WWBT License Subsidiary, LLC | BALCDT-20180709ACE |
| WWSB(TV), Sarasota, FL | 61251 | WWSB License Subsidiary, LLC | BALCDT-20180709ACF |
| WXIX-TV, Newport, KY | 39738 | WXIX License Subsidiary, LLC | BTCCDT-20180709ACO |